

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
SEP 13 2004

  
Clerk

JOAN M. HOCHSTEIN, ) No. 03-4256  
 )  
 Plaintiff, ) DEFENDANT'S  
 ) MOTION FOR  
 vs. ) SUMMARY JUDGMENT  
 )  
 WELLMARK BLUE CROSS )  
 AND BLUE SHIELD OF SOUTH )  
 DAKOTA, )  
 )  
 Defendant. )

Defendant ("Wellmark"), by its counsel of record and pursuant to FRCP 56, respectfully moves the Court for an Order granting it summary judgment on the grounds that there are no genuine issues of fact and Wellmark is entitled to judgment as a matter of law.

In support of this Motion, Wellmark refers the Court to all files and proceedings herein, but particularly its Statement of Undisputed Material Facts and Memorandum in Support of Motion for Summary Judgment, both of which are submitted herewith.

Dated: September 13, 2004

CADWELL SANFORD DEIBERT  
& GARRY LLP

By

  
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